

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LEE EDWARD BOYD,)	
)	
Petitioner,)	
)	
v.)	NO. CIV-12-1385-HE
)	
JUSTIN JONES, DIRECTOR OF DOC,)	
)	
Respondent.)	

ORDER


Petitioner Lee Edward Boyd, a prisoner appearing *pro se*, filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Shon T. Erwin, who has issued a Report and Recommendation suggesting that a motion to dismiss filed by the defendant [Doc. # 17] be granted because petition's claim is unexhausted.

Petitioner failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Erwins's Report and Recommendation [Doc. #19] and **DISMISSES** petitioner's petition for habeas corpus [Doc. #1] for failure to exhaust.

IT IS SO ORDERED.

Dated this 12th day of November, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE